

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARK SOKOLOW, et al.,

Plaintiffs,

Civ. No. 04-397 (GBD) (RLE)

v.

THE PALESTINE LIBERATION ORGANIZATION, et al.,

Defendants.

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' *EX PARTE* MOTION TO THE  
MAGISTRATE JUDGE TO ISSUE A LETTER OF REQUEST FOR JUDICIAL  
ASSISTANCE FOR THE DEPOSITION OF MUNZAR NOOR**

**Introduction**

Plaintiffs respectfully submit this Memorandum in support of their *Ex Parte* Motion to the Magistrate Judge to Issue a Letter of Request for Judicial Assistance, which seeks the deposition of Munzar Mahmoud Khalil Noor, who was convicted by an Israeli court for his role in planning and carrying out the January 27, 2002 bombing in Jerusalem in which plaintiffs Mark Sokolow, Rena Sokolow, Jamie Sokolow, Lauren Sokolow and Elana Sokolow were injured, and is currently serving two life sentences in an Israeli prison.

Because “a party lacks standing” to oppose discovery from “someone who is not a party to the action,” *Saperstein v. PA*, 2010 WL 1371384 at \*3 (E.D.N.Y. 2010), the plaintiffs are filing this application as an *ex parte* motion, and respectfully request that the Court issue the Letter of Request attached hereto as Exhibit A, for the reasons set forth below, forthwith.

**Relevant Background and Argument**

This is a civil action pursuant to the Antiterrorism Act (“ATA”), 18 U.S.C. § 2333, and pendent causes of action, brought by U.S. citizens, and the guardians, family members and the

personal representatives of the estates of U.S. citizens, who were killed and injured in seven terrorist attacks carried out by defendants Palestinian Authority (“PA”) and Palestine Liberation Organization (“PLO”) between January 8, 2001 and January 29, 2004, in or near Jerusalem.

One of those attacks was a January 27, 2002 bombing in which plaintiffs Mark Sokolow, Rena Sokolow, Jamie Sokolow, Lauren Sokolow and Elana Sokolow were severely injured.

Munzar Mahmoud Khalil Noor (“Noor”), who was involved in planning and executing the bombing, was arrested, charged and convicted by an Israeli court. Noor is currently serving two life sentences in an Israeli prison for that crime.

In his statements to Israeli investigators, Noor admitted that the bombing was masterminded by Mohammed Muhtasib (a/k/a Abu Talal), an officer in defendant PA’s military intelligence service. Muhtasib has never been arrested and, as far as plaintiffs know, he remains at large in the PA. The plaintiffs are naturally desirous of taking Noor’s deposition in order to obtain testimony confirming the involvement of Muhtasib and the PA in the bombing.

Because Noor is imprisoned in Israel he is not subject to the direct process of this Court. However, the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, signed at The Hague on March 18, 1970 (“Hague Convention”) provides for the taking of evidence and depositions abroad by means of “letters of request.” Thus, the Court can request that Israel produce Noor to be deposed by counsel for the parties. In related actions brought in recent years against the PLO and the PA under the Antiterrorism Act, federal courts have issued numerous requests under the Hague Convention for depositions of the terrorists convicted of the underlying attacks, and Israeli authorities have granted all such requests. Indeed, on December 20, 2011 this Court issued a letter of request for the deposition of prisoner Abdullah Barghouti,

and within just one month – on January 21, 2012 – the Israeli government approved the request and sent it to Judge Anna Schneider of the Jerusalem Magistrates Court for execution.

A proposed Letter of Request, which follows the format previously issued by the Court in respect to Barghouti, is attached hereto as Exhibit A.

**WHEREFORE**, the instant motion should be granted, and the Letter of Request attached hereto as Exhibit A should be endorsed and issued by the Court forthwith.

Plaintiffs, by their Attorney,

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